



**PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box: Application Processing Division; Commissioner of Patents and Trademarks, Washington, D.C. 20231, on: April 12, 1995  
(date)

Alan Israel  
Reg. No. 27,564

**RECEIVED**  
SEP 8 1995  
OFFICE OF PETITIONS  
AND PATENTS

In re: Application of : Mark T. JEFFREY, et al.

Serial No. : 08/400,140 Group Art Unit:

Filed : March 6, 1995 Examiner:

For : STM SWITCHING ARRANGEMENT

New York, New York  
April 12, 1995

**RESPONSE TO NOTICE OF IMPROPER FWC FILING**  
**UNDER 37 C.F.R. 1.62 AND PETITION**

Box: Application Processing Division,  
Special Processing and Correspondence Branch  
Hon. Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

In response to the Notice dated April 6, 1995, a filing date was not granted.

The reason stated was that the FWC filing under Rule 62 "included a new specification or a copy of a specification from the prior application". **THIS IS AN ERRONEOUS**

**FINDING**

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The Rule 62 filing included a preliminary amendment that consisted of 58

pages. Although the text inserted into the original specification was lengthy, it nevertheless

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130.00 CR

OK refund 130.00

did not constitute a new specification, nor was it a copy of a specification from a prior U.S. application. It consists of material previously incorporated by reference to certain PCT publications, and was submitted in response to the Examiner's comments in the parent application.

Withdrawal of the Notice is therefore respectfully requested, together with an acknowledgement that the receipt date of March 6, 1995 will be regarded as the official filing date.

In view of the applicant's assertions, applicant hereby petitions the Assistant Commissioner for Patents that the application, as filed, be considered as complete. A check in the amount of \$130.00, as the Petition fee, is enclosed herewith. Since this petition states that the application was complete, applicant hereby requests a refund of said petition fee. The refund should be credited to the undersigned's Deposit Account No. 11-1145.

Wherefore, a favorable action is earnestly solicited.

Respectfully submitted,

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Alan Israel  
Registration No. 27,564



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
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08/400.140 03/06/95 JEFFREY

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03P1/0406

KIRSCHSTEIN OTTINGER  
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551 FIFTH AVENUE  
NEW YORK NY 10176-0024

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**NOTICE OF IMPROPER FWC FILING UNDER 37 CFR 1.62  
NO FILING DATE GRANTED**

04/06/95



The above identified application was deposited under 37 CFR 1.62 as a file wrapper continuing application but is improper and has not been granted a filing date for reasons shown below:

- \_\_\_\_\_ 1. The application does not include the correct application number including filing date or series code of the prior application.
- \_\_\_\_\_ 2. The application, which is not a continuation-in-part, was not filed by the same or less than all the inventors named in the prior application and no petition for correction of inventorship was filed.
- \_\_\_\_\_ 3. The application, which is a continuation-in-part, does not identify the names of all the inventors (37 CFR 1.41(a)). The application uses "et al" but only one inventor was named in the prior application.
- ✓ \_\_\_\_\_ 4. The filing date included a new specification or a copy of a specification from the prior application. See 37 CFR 1.62(e). A petition with the \$\_\_\_\_\_ fee set forth in 37 CFR 1.17(i)(1) with instructions to cancel the copy or specification may be filed if a filing date as of the receipt date noted above is desired.
- \_\_\_\_\_ 5. The request does not include an original signature of the inventor(s), assignee of the entire interest, or registered attorney or agent.
- \_\_\_\_\_ 6. The application was not filed before the payment of the issue fee, abandonment of, or termination of proceedings on the prior application:
  - \_\_\_\_\_ a) The issue fee was paid on the prior application on \_\_\_\_\_.
  - \_\_\_\_\_ b) The prior application was abandoned, or proceedings terminated on \_\_\_\_\_.
  - \_\_\_\_\_ c) The prior application was abandoned by the filing of application number \_\_\_\_\_ on \_\_\_\_\_, under 37 CFR 1.62.
- \_\_\_\_\_ 7. Other:

The filing date will be the date of receipt of the items required above unless otherwise indicated, provided the items are filed before the payment of the issue fee, abandonment of, or termination of proceedings on the prior application. Any assertions that the items required above were submitted or are not necessary for a filing date must be by a petition directed to the attention of the Office of the Assistant Commissioner for Patents. Any such petition must be accompanied by the \$\_\_\_\_\_ fee (37CFR 1.17(h)). If the petition states that the application is complete, a request for refund of the petition fee may be included in the petition.

All of the above noted items and/or any petition must be submitted within **TWO MONTHS** of the date of this notice (37 CFR 1.81(f)) or the application will be returned upon request or abandoned and the fee, if submitted, will be refunded less the \$\_\_\_\_\_ handling fee (37 CFR 1.21(n)). **THIS TIME LIMIT MAY NOT BE EXTENDED PURSUANT TO 37 CFR 1.136.**

Direct the response and any questions about this notice to, Attention: Application Processing Division, Special Processing and Correspondence Branch.

**A copy of this notice MUST be returned with the response.**

Application Processing Division  
(703) 308-1202